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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,591	09/16/2003	Wen Zhao	555255012545	3286

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EXAMINER

REGO, DOMINIC E

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/663,591	Applicant(s) ZHAO ET AL.	
	Examiner Dominic E. Rego	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-9 and 11-17 rejected under 35 U.S.C. 102(e) as being anticipated by Koivukangas (*EP 1309214 A1*).

Regarding claim 1, Koivukangas teaches a method for conducting a radiated performance test on a wireless device (*Figure 2, conducting a radiated performance test between mobile station 10 and local diagnostic computer 29*) comprising the steps of:

establishing an interface from a test computer to said wireless device (*Figure 2, establishing a interface 28 from a test computer (local diagnostic computer) to wireless device 10*);

establishing a data connection on said interface between said test computer and said wireless device (*Figure 2, establishing a data connection on said interface 28 between test computer (local diagnostic computer) and wireless device 10; see abstract; Paragraph 0038*);

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initializing and starting a timer for a predetermined interval on said wireless device (*Paragraphs 0023,0028; abstract*);

starting a test script on said wireless device; removing said interface during said predetermined interval (*Abstract: self-test mode of operation with expiration of timer; Paragraph 0028*);

running said radiated performance test (*self test*) after said predetermined interval (*Abstract; Paragraphs 0010 and 0023: Koivukangas teaches reaching a predetermined threshold number of dropped calls within some predetermined interval of operating time, mobile station 10 does the self test*);

storing a log of said radiated performance test on said wireless device (*Paragraphs 0010 and 0034: mobile station does a self-test when malfunctioning and result stores in a memory*); and

analyzing test results based on said log (*Paragraph 0001: Koivukangas teaches this invention relates generally to radiotelephones and, in particular, to radiotelephones or mobile stations, such as those capable of operation with a cellular network, and that are further capable of executing a self-test and other diagnostic procedures (analyzing and recording the results)*).

Regarding claims 2,3,13, and 14, Koivukangas teaches the method, wherein said interface is a data cable (*Paragraph 0038*).

Regarding claim 4, Koivukangas teaches the method, wherein said analysing test results (*Paragraph 0001*) includes:

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re-establishing said interface; re-establishing said data connection between said test computer and said wireless device (*Figure 2, establishing a data connection on said interface 28 between test computer (local diagnostic computer) and wireless device 10; see abstract; Paragraph 0038;*

retrieving said test log from said wireless device to said test computer (*Paragraph 0028*); and

performing an analysis of said test log to provide test results (*Paragraph 0028*).

Regarding claim 5, Koivukangas teaches the method, wherein said analysing test results (*Paragraph 0001*) includes:

performing an analysis of said log on said wireless device to obtain test results (*Paragraph 0001: Koivukangas teaches this invention relates generally to radiotelephones and, in particular, to radiotelephones or mobile stations, such as those capable of operation with a cellular network, and that are further capable of executing a self-test and other diagnostic procedures (analyzing) and recording the results*); and

displaying said test results on said wireless device (*Figure 2, mobile phone 10 has a display 20 for displaying test results; Paragraph 0024*).

Regarding claims 6,7,15, and 16, Koivukangas teaches the method, wherein said computer includes a software tool for communications between said wireless device and said computer and wherein said step of establishing said data connection includes said software tool sending a command to said wireless device (*Paragraph 0026*).

Regarding claim 8, Koivukangas teaches the method, wherein said step of

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starting a test script includes said software tool sending a command to said wireless device (*Paragraph 0026: Koivukangas teaches the network control center 33 may include a failure analysis module (FAM) 33A, such as software running on a PC or mainframe computer. The FAM 33A receives as inputs the set or subset of the transmitted PPCs 24A, as well as mobile station self-test results. Also, it is within the scope of the teaching of this invention to relay the output indication of the FAM 33A such as software running on a PC back to the mobile station 10).*

Regarding claim 9, Koivukangas teaches the method, wherein said step of initializing a timer includes said software tool sending a command to said wireless device (*Paragraphs 0023,0026, 0028; abstract*).

Regarding claim 11, Koivukangas teaches the method, wherein said test script pre-exists on said wireless device (*Abstract: a mobile station self-test mode of operation same as test script pre-exist on it*).

Regarding claim 12, Koivukangas teaches a method for conducting a radiated performance test on a wireless device (*Figure 2, conducting a radiated performance test between mobile station 10 and local diagnostic computer 29*) comprising the steps of:

initializing and starting a timer from said wireless device for a predetermined interval (*Paragraphs 0023,0028; abstract*);

starting a test script from said wireless device (*Abstract: self-test mode of operation with expiration of timer; Paragraph 0028*);

running said radiated performance test (*self-test*) after said predetermined interval (*Abstract; Paragraph 0023: Koivukangas teaches reaching a predetermined*

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threshold number of dropped calls within some predetermined interval of operating time, mobile station 10 does the self test);

storing a log of said radiated performance test on said wireless device

(Paragraphs 0010 and 0034: mobile station does a self-test when malfunctioning and result stores in a memory);

establishing an interface between said wireless device and a test computer

(Figure 2, establishing a interface 28 from a test computer (local diagnostic computer) to wireless device 10);

establishing a data connection between said test computer and said wireless device (Figure 2, establishing a data connection on said interface 28 between test computer (local diagnostic computer) and wireless device 10; see abstract; Paragraph 0038);

retrieving said test log from said wireless device to said test computer (Paragraph 0028); and

performing an analysis of said test log to provide test results (Paragraph 0028).

Regarding claim 17, Koivukangas teaches a method for conducting a radiated performance test on a wireless device (Figure 2, conducting a radiated performance test between mobile station 10 and local diagnostic computer 29) comprising the steps of:

initializing and starting a timer from said wireless device for a predetermined interval (Paragraphs 0023,0028; abstract);

starting a test script from said wireless device (Abstract: self-test mode of operation with expiration of timer; Paragraph 0028);

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running said radiated performance test after said predetermined interval

(Abstract; Paragraph 0023: Koivukangas teaches reaching a predetermined threshold number of dropped calls within some predetermined interval of operating time, mobile station 10 does the self test with expiration of timer);

storing a log of said radiated performance test on said wireless device

(Paragraphs 0010 and 0034: mobile station does a self-test when malfunctioning and result stores in a memory);

performing an analysis of said log on said wireless device to obtain test results

((Paragraph 0001: Koivukangas teaches this invention relates generally to radiotelephones and, in particular, to radiotelephones or mobile stations, such as those capable of operation with a cellular network, and that are further capable of executing a self-test and other diagnostic procedures (analyzing) and recording the results); and

displaying said test results on said wireless device *(Figure 2, mobile phone 10 has a display 20 for displaying test results; Paragraph 0024).*

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koivukangas (*EP 1309214 A1*) in view of Ko et al. (*US Patent Application Publication #20030100299*).

Regarding claim 10, Koivukangas teaches all the claimed elements in claim 1, except for the method, wherein said step of starting a test script further includes loading a test script from said computer to said wireless device.

However, in related art, Ko teaches the method, wherein said step of starting a test script further includes loading a test script from said computer to said wireless device (Paragraph 0009).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to use the teaching of the method, wherein said step of starting a test script further includes loading a test script from said computer to said wireless device, as taught by Ko, in the Koivukangas device in order to fix the network problem.

Response to Arguments

Applicant's arguments filed 11/23/2006 have been fully considered but they are not persuasive. Regarding claims 1, 12, and 17, applicants argue that Koivukangas does not teach self-test is performed after a predetermined interval. The examiner disagrees.

Paragraph 0010, Koivukangas teaches The method has steps of: (A) during the operation of the mobile station, determining and Storing a set of performance-related data (PPCs) in the mobile station; and (B) responsive to an occurrence of a triggering event, transmitting the set or a sub-set of the performance-related data to

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a computer for analysis. The performance-related data can be stored in counters and registers, or in memory locations that are managed so as to function as counters and registers. By example, the performance-related data can include a count of dropped calls, and/or an indication of a result of a mobile station self-test mode of operation. The triggering event can be a receipt by the mobile station of a message to transmit the set or sub-set of the performance-related data, or a receipt by the mobile station of an input from a user of the mobile station, or an expiration of a timer same as after a predetermine time. Also paragraph 0023, Koivukangas teaches *the* PPCs 24A provide information regarding the wireless network quality, as well as information regarding the operation of the mobile station 10. In accordance with a further aspect of the invention, the set of PPCs 24A, or a subset thereof, are transmitted from the mobile station to the network provider system 32, via a base station 30. The PPCs 24A can be transmitted in response to a request received from the network provider system 32 or from some other requestor, or on command from a user of the mobile station 10, or periodically at some predetermined interval of time, or upon an occurrence of some other triggering event (e.g., reaching a predetermined threshold number of dropped calls within some predetermined interval of operating time).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic E. Rego whose telephone number is 571-272-8132. The examiner can normally be reached on Monday-Friday, 8:30 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on 571-272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dominic E. Rego

 2/20/07

QUOCHIE B. VUONG
PRIMARY EXAMINER